

SIXTEENTH DAY.

(Tuesday, February 1, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Kenyon.
Albritton.	Kincaid.
Alexander.	King of Hopkins.
Anderson.	Kirkland.
Avis.	Land.
Barnett.	Lipscomb.
Barron.	Loftin.
Bass.	Long.
Bateman.	Loy.
Beck.	Masterson.
Bird.	McCombs.
Black.	McGill.
Boggs.	Merritt.
Boon.	Minor.
Brown.	Moore.
Conway.	Morse.
Cornwell.	Moursund.
Cox.	Murphy.
Cummings.	Nabors.
Dale.	Nicholson.
Daniel.	Olsen.
Davis.	Parish of Runnels.
DeBerry.	Parrish of Travis.
Denman.	Pavlica.
Dielmann.	Pearce.
Dunlap.	Petsch.
Durham.	Poage.
Duvall.	Pool.
Enderby.	Pope.
Eickenroht.	Porter.
Farrar.	Powell.
Faulk.	Purl.
Finlay.	Ramsey.
Fly.	Rawlins.
Forbes.	Renfro
Fuchs.	of Angelina.
Gates.	Renfro of Mills.
Gibson.	Rogers of Hays.
Gilbert.	Rogers of Shelby.
Graves.	Rowell.
Gray.	Runge.
Hagaman.	Sanders.
Hall.	Satterwhite.
Harding.	Shaver.
Harman.	Shearer.
Hefley.	Sheats.
High.	Shirley.
Holder.	Simmons.
Holland.	Sinks.
Hornaday.	Smith
Jacks.	of Atascosa.
Johnson.	Smith of Nueces.
Jones.	Smith of Smith.
Justice.	Smith of El Paso.
Kayton.	Smyth.
Kemble.	Snelgrove.
Kennedy.	Stevenson.

Storey.	Wallace of Smith.
Stout.	Ware.
Sutton.	Wassell.
Swain.	Webb.
Taylor.	Wells.
Teer.	Whitaker.
Turner.	Williams
Van Zandt.	of Sabine.
Veatch.	Williams
Waddell.	of Travis.
Walker.	Williamson.
Wallace	Woodall.
of Freestone.	Woodruff.
Wallace of Panola.	Young.

Absent—Excused.

Bonham.	Kirby.
Branch.	McKean.
Foster.	Montgomery.
Kinnear.	Reagan.
King of	Stell.
Throckmorton.	Tillotson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Reagan for today, on motion of Mr. Smith of Smith.

Mr. Foster for today, on motion of Mr. Morse.

The following members were granted leaves of absence on account of illness:

Mr. Kirby for today and the balance of the week, on motion of Mr. Morse.

Mr. Kinnear for today, on motion of Mr. Nicholson.

Mr. Tillotson for today, on motion of Mr. Fly.

Mr. Stell for today, on motion of Mr. Webb.

Mr. Branch for today, on motion of Mr. Kirkland.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Purl:

H. B. No. 400, A bill to be entitled "An Act to amend Articles 4102, 4111 and 4123 of the Revised Statutes of Texas, so as to provide for the appointment of a guardian for a person where it is necessary that a guardian be ap-

pointed to receive funds or money due such person from the Federal government; providing for fixing the venue where such appointment may be made; providing the court must be satisfied that the applicant is a person for whom it is necessary to have a guardian appointed to receive funds or money due such person from the Federal government, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Holder:

H. B. No. 401, A bill to be entitled "An Act authorizing cities which now have, or may hereafter have 5000 or more inhabitants, in case of condemnation of land for laying out, establishing or enlarging parks, parkways or pleasure grounds to provide that the cost of such land should be paid for, wholly or in part, by the property owners owning property in the vicinity thereof and benefited thereby, and to fix liens against said property benefited to the extent same is specially benefited, and providing how said benefits may be assessed and collected, and providing how such assessments may be made to mature."

Referred to Committee on Municipal and Private Corporations.

By Mr. Lipscomb:

H. B. No. 402, A bill to be entitled "An Act authorizing persons, firms and corporations operating hotels within this State to establish and maintain recreation rooms in connection therewith, in which gymnastics and games can be practiced and played by the guests of said hotel and other persons under certain regulations, excluding certain characters of games and the means of playing the same from the provisions of this act, and regulating the time, manner and use of said recreation room, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Bass:

H. B. No. 403, A bill to be entitled "An Act declaring the sweet potato weevil a public nuisance and menace, and defining the sweet potato weevil and sweet potato; authorizing and making it the duty of the Commissioner of Agriculture to prevent the introduction of the sweet potato weevil into Texas and to promulgate rules and regulations governing the production of sweet potato seed, slips, vines and cuttings, and providing for the inspection of potato beds,

preventing the shipment of infested potato seed, slips, vines and cuttings without inspection; providing for weevil-free zones and preventing the movement therein of infested material; providing for eradication zones and authorizing the Commissioner of Agriculture to institute eradication therein when requested so to do by the commissioners court; fixing the venue in counties into which contaminated slips, vines, cuttings or seed are shipped; providing penalties for violation of the provisions of this act, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Holland, Mr. Acker, and Mr. Morse:

H. B. No. 404, A bill to be entitled "An Act granting to the Harris County Ship Channel Navigation District of Harris County, Texas, or its successors, and defining such successors, all right, title and interest of the State of Texas to certain islands and lands subject to overflow, and lands lying under the waters of Peggy's Lake, San Jacinto Bay, Burnett Bay, Crystal Lake, Scott's Bay, Mitchell Bay, Black Duck Bay, the San Jacinto River and Buffalo Bayou and tributary waterways, within Harris County Navigation District as far as the State may own same, for public purposes and for the development of commerce only, and granting to the navigation district and its successors the right, power and authority to authorize, establish, construct, purchase, own, maintain, equip, regulate, operate and lease wharves, piers, docks, dry docks, marine ways and other aids to navigation on said lands, and to dredge out or fill in space between the mainland and the islands, and such wharves, piers, docks, dry docks, marine ways and other aids to navigation, and to construct or grant franchise for the construction on such wharves, piers, docks, or lands so filled in, of elevators, warehouses, bunkers, railway terminals, sidetracks or other aids to navigation or commerce; reserving to the State of Texas the right at any time to place the operation of said facilities under the supervision of the Railroad Commission of Texas; and to provide reasonable wharfage and storage charges thereon; authorizing the navigation district to remove and abate any encroachment or structure on said property, and to bring such suit, or suits, as may be necessary to carry out the provisions of this act; authorizing the city of Houston to extend city limits

by ordinance so as to include said lands and that portion of the mainland adjacent and lying within a distance of fifteen hundred (1500) feet from the present shore line, for the limited purposes authorized by Chapter 25 of the General Laws of the Thirty-third Legislature, passed at its Regular Session, approved March 17, 1913, reserving all mineral, sand, shell and marl rights in said lands to the State; preserving to the State of Texas the right to erect wharves, piers and buildings on said lands; authorizing navigation district to grant rights of way or easements for channels, etc., to the United States government, and declaring an emergency."

Referred to Committee on Commerce and Manufactures.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Williamson:

H. J. R. No. 26, Proposing an amendment to the Constitution of the State of Texas making available for the public highways all gasoline occupation taxes and making available for the public free schools all occupation taxes based on production of oil or petroleum.

RELATING TO HOUSE BILL NO. 112.

On motion of Mr. Runge, by unanimous consent, the Engrossing Clerk was authorized to make certain correction in the caption of House bill No. 112.

COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. Satterwhite, the committee substitute to House bill No. 59 was ordered printed instead of the original bill.

BILL ORDERED PRINTED.

On motion of Mr. Gilbert, House bill No. 69, reported adversely with a minority favorable report, was ordered printed.

MOTION TO PRINT HOUSE BILL NO. 329.

Mr. Wassell moved that House bill No.

329, reported adversely with a minority favorable report, be printed.

The motion to print was lost.

RELATING TO HOUSE BILL NO. 377.

Mr. Wallace of Freestone moved to reconsider the vote by which the House on yesterday voted to re-refer House bill No. 377.

Mr. Williamson asked unanimous consent of the House to rescind the action by which the House on yesterday re-referred House bill No. 377.

The Chair stated that there was no objection offered.

Mr. Anderson moved that House bill No. 377 be re-referred to the Committee on Criminal Jurisprudence.

Mr. DeBerry moved the previous question on the motion to re-refer the bill, and the main question was ordered.

Question recurring on the motion to re-refer the bill, yeas and nays were demanded.

The motion to re-refer prevailed by the following vote:

Yeas—69.

Acker.	McCombs.
Anderson.	McGill.
Avis.	Merritt.
Bass.	Minor.
Bateman.	Moore.
Beck.	Morse.
Bird.	Moursund.
Black.	Murphy.
Boon.	Nicholson.
Denman.	Olsen.
Dielmann.	Pavlica.
Durham.	Pearce.
Duvall.	Pool.
Enderby.	Porter.
Eickenroht.	Powell.
Faulk.	Rawlins.
Finlay.	Renfro
Fuchs.	of Angelina.
Gates.	Runge.
Gilbert.	Sheats.
Hagaman.	Shirley.
Harding.	Sinks.
Hefley.	Smith
Holland.	of Atascosa.
Hornaday.	Smith of El Paso.
Johnson.	Smyth.
Jones.	Stevenson.
Kayton.	Swain.
Kemble.	Taylor.
Kenyon.	Turner.
Land.	Veatch.
Lipscomb.	Walker.
Loftin.	Ware.
Loy.	Wassell.
Masterson.	Whitaker.

Williams
of Sabine.

Williamson.
Woodall.

Nays—50.

Albritton.
Alexander.
Barnett.
Barron.
Cornwell.
Cox.
DeBerry.
Dunlap.
Fly.
Forbes.
Gibson.
Graves.
Gray.
Harman.
High.
Holder.
Jacks.
Justice.
Kennedy.
Kincaid.
King of Hopkins.
Kirkland.
Long.
Nabors.
Parish of Runnels.
Parrish of Travis.

Pope.
Ramsey.
Rogers of Hays.
Rogers of Shelby.
Rowell.
Sanders.
Satterwhite.
Shearer.
Simmons.
Smith of Nueces.
Smith of Smith.
Snelgrove.
Storey.
Sutton.
Teer.
Van Zandt.
Waddell.
Wallace
of Freestone.
Wallace of Panola.
Wallace of Smith.
Webb.
Williams
of Travis.
Woodruff.
Young.

Present—Not Voting.

Daniel.
Shaver.

Stout.

Absent.

Boggs.
Brown.
Conway.
Cummings.
Dale.
Davis.
Farrar.

Hall.
Petsch.
Poage.
Purl.
Renfro of Mills.
Wells.

Absent—Excused.

Bonham.
Branch.
Foster.
Kinnear.
King of
Throckmorton.

Kirby.
McKean.
Montgomery.
Reagan.
Stell.
Tillotson.

RELATING TO EXTENDING PRIVILEGES OF THE FLOOR.

Mr. DeBerry offered the following resolution:

Whereas, The Rules of this House prescribe specifically all persons allowed the privileges of the floor; and

Whereas, There is considerable difference of opinion as to how order can be preserved; and

Whereas, It is evident that there are too many people on the floor of this House other than those allowed said

privileges under the Rules; therefore, be it

Resolved, That in the future no person be allowed the privileges of the floor other than those allowed the same by the Rules, except those to whom passes have been issued and signed by the Speaker, said passes being good for one day only.

The resolution was read second time.

Mr. Satterwhite raised a point of order on further consideration of the resolution on the ground that it seeks to amend the Rules of the House.

The Speaker sustained the point of order.

Mr. Jacks raised a point of order on consideration of the resolution on the ground that under the Rules of the House the resolution is out of order.

The Speaker sustained the point of order.

RELATING TO ENFORCEMENT OF HOUSE RULES.

Mr. Barron offered the following resolution:

Resolved, First, it is the desire of the members of this House that the Speaker enforce the Rules to the letter.

Second, that the members of the House co-operate in every way with the Speaker in the enforcement of the Rules.

The resolution was read second time.

Mr. Jacks raised a point of order on further consideration of the resolution at this time on the ground that the time for the consideration of resolutions has passed.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 1, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills and resolutions:

S. C. R. No. 5, Providing for appointment of a committee to make a tax survey.

S. C. R. No. 11, Inviting Governor Ritchie to address the Legislature.

S. B. No. 123, A bill to be entitled "An Act creating and incorporating the Poyner Independent School District lying in the counties of Henderson and Anderson in the State of Texas, defining

the boundaries thereof; providing for a board of trustees thereof, placing said independent district under the control of the general laws governing independent districts; providing that no outstanding indebtedness of the Poyner Independent District be invalidated, and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act to create the One Hundred and Fourth Judicial District of Texas, and designating the counties constituting said district, and fixing the time for holding court therein; reorganizing the Thirty-ninth Judicial District of Texas, and fixing the time for holding court in the various counties of said district; providing for the appointment of a judge for the newly created One Hundred and Fourth Judicial District of Texas, for the appointment of district attorneys for the Thirty-ninth Judicial District of Texas; providing for the transfer of cases from the One Hundred and Fourth Judicial District to the Forty-second Judicial District, and vice versa; providing that the district clerk of Taylor county shall be the clerk of said newly created One Hundred and Fourth District, and providing the manner of filing cases and numbering same in the One Hundred and Fourth District and in the Forty-second Judicial District; validating all process, writs and bonds heretofore issued in the various counties affected by this act, etc., and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act amending Article 4340 of the Revised Civil Statutes of 1925, so as to abolish the office of chief clerk to the Secretary of State and creating the office of Assistant Secretary of State, prescribing his tenure, qualifications and duties; fixing his compensation for the remainder of his fiscal year, and declaring an emergency."

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

HOUSE BILL NO. 169 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 169, A bill to be entitled "An Act to amend Title 8, Article 199, Section 1, subdivision 23, page 96 of the Regular Session of the Thirty-ninth Legislature of the State of Texas, changing the time of holding of the terms of

district court in the Twenty-third Judicial District of Texas, and declaring an emergency."

The bill having been read second time on last Tuesday, January 25, and postponed until 11 o'clock a. m. today.

Mr. Masterson offered the following amendment to the bill:

Amend House bill No. 169, in line 20, page 1, by striking out the word "Brazoria" and inserting in lieu thereof the word "Matagorda."

Further amending said bill by striking out the word "five" in line 27, page 1, and inserting in lieu thereof the word "seven."

And further amending said bill by striking out the word "Matagorda" in line 28, page 1, and inserting in lieu thereof the word "Brazoria."

Further amending said bill by striking out the word "Brazoria" in line 31, page 1, and inserting in lieu thereof the word "Matagorda."

And further amending said bill by striking out the word "Matagorda" in line 39, page 1, and inserting in lieu thereof the word "Brazoria."

The amendment was adopted.

House bill No. 169 was then passed to engrossment.

SPECIAL ORDER SET.

On motion of Mr. Stevenson, House bill No. 300 was set as a special order for 11 o'clock a. m. next Friday.

RELATING TO HOUSE BILL NO. 7.

On motion of Mr. Hornaday, by unanimous consent, consideration of House bill No. 7 was temporarily postponed, the author of the bill not being present.

HOUSE BILL NO. 20 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act to prevent fraud, misrepresentation or unfair practices in the sale of merchandise or other property by means of a plan commonly known as the 'endless chain,' imposing an occupation tax, fixing penalty, and declaring an emergency."

The bill was read second time.

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 20, page 2, line

20, by changing figures "\$50" to figures "\$200."

The amendment was adopted.

House bill No. 20 was then passed to engrossment.

HOUSE BILL NO. 50 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation for hire over the public highways of the State; defining motor bus companies and declaring them to be common carriers; excepting motor bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms 'corporation,' 'person,' 'public highway,' 'Highway Commission' and 'Commission'; providing for the issuance of certificates of convenience and necessity to motor bus companies, and prescribing the conditions upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor bus company; to fix or approve maximum and minimum fares, rates or charges; to prescribe all rules and regulations necessary for the government of motor bus companies, etc."

The bill was read second time.

Mr. Beck offered the following amendment to the bill:

Amend House bill No. 50 by inserting the word "decisions" after the word "the" in line 23, page 13, in Section 17.

The amendment was adopted.

Mr. Williamson offered the following amendment to the bill:

Amend House bill No. 50 by striking out all of Section 11 after the word "herein" in line 18, page 9.

Mr. Kemble moved to table the amendment.

Question—Shall the amendment be tabled?

RECESS.

On motion of Mr. Teer, the House at 12:05 o'clock p. m. took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 173, to the Committee on Appropriations.

Senate bill No. 155, to the Committee on Judicial Districts.

Senate bill No. 123, to the Committee on School Districts.

HOUSE BILL NO. 50 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 50, relating to the regulation of motor bus vehicles, on its passage to engrossment, with amendment by Mr. Williamson, and motion by Mr. Kemble to table the amendment, pending.

Mr. Williamson, by unanimous consent, withdrew the pending amendment.

Mr. Petsch offered the following amendment to the bill:

Strike out all after word "herein" in line 18, page 9, of Section 11, and insert in lieu thereof the following: "Provided, that the liability insurance contract (not employer's liability insurance, as hereinbefore provided for, must recite that the insurer will pay any and all judgments that may be rendered against the insured (bus company) for any and all damages occurring during the term of the insurance contract; and provided, that during the trial of any case, the fact that the bus owner or operator is protected by liability insurance shall not be referred to, except that the trial judge, in the reasonable exercise of his discretion, may refer to the matter in his charge for the purpose of correcting a trial error, and the jury shall not consider such fact of insurance for any purpose whatsoever."

Mr. Purl moved that the further consideration of the bill be postponed until 10 o'clock a. m. next Tuesday.

Mr. Sheats moved to table the motion to postpone.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—81.

Anderson.	Minor.
Avis.	Moore.
Barnett.	Morse.
Bass.	Moursund.
Beck.	Murphy.
Black.	Nabors.
Conway.	Nicholson.
Daniel.	Olsen.
Davis.	Parish of Runnels.
DeBerry.	Pearce.
Denman.	Petsch.
Dielmann.	Poage.
Dunlap.	Pope.
Durham.	Porter.
Duvall.	Powell.
Enderby.	Ramsey.
Faulk.	Rogers of Shelby.
Finlay.	Rowell.
Fly.	Shearer.
Forbes.	Sheats.
Fuchs.	Shirley.
Gilbert.	Simmons.
Hall.	Sinks.
Harding.	Smith of Atascosa.
Harman.	Smith of Nueces.
Hefley.	Smyth.
High.	Snelgrove.
Holland.	Stevenson.
Jacks.	Storey.
Jones.	Sutton.
Justice.	Taylor.
Kemble.	Teer.
Kincaid.	Van Zandt.
Kirkland.	Veatch.
Land.	Waddell.
Lipscomb.	Ware.
Loftin.	Whitaker.
Long.	Williams
Loy.	of Travis.
Masterson.	Williamson.
McCombs.	Woodall.

Nays—31.

Acker.	Pool.
Albritton.	Purl.
Alexander.	Runge.
Bateman.	Shaver.
Bird.	Smith of El Paso.
Dale.	Smith of Smith.
Farrar.	Stout.
Gates.	Swain.
Gibson.	Walker.
Holder.	Wallace
Johnson.	of Freestone.
Kennedy.	Wallace of Panola.
Kenyon.	Wassell.
King of Hopkins.	Williams
McGill.	of Sabine.
Merritt.	Woodruff.
Pavlica.	

Present—Not Voting.

Webb.

Absent.

Barron.	Parrish of Travis.
Boggs.	Rawlins.
Boon.	Renfro
Brown.	of Angelina.
Cornwell.	Renfro of Mills.
Cox.	Rogers of Hays.
Cummings.	Sanders.
Eickenroht.	Satterwhite.
Graves.	Turner.
Gray.	Wallace of Smith.
Hagaman.	Wells.
Hornaday.	Young.
Kayton.	

Absent—Excused.

Bonham.	Kirby.
Branch.	McKean.
Foster.	Montgomery.
Kinnear.	Reagan.
King of	Stell.
Throckmorton.	Tillotson.

Mr. Stevenson offered the following substitute for the amendment by Mr. Petsch:

Amend House bill No. 50 by adding to Section 11 the following: "But if any owner or operator of any motor bus company is so relieved of taking out insurance it shall be required by the commission to create gradually and maintain a fund, as the commission directs, to meet judgments or settlements for injuries to persons or property."

On motion of Mr. Lipscomb, the substitute amendment was tabled.

Mr. Minor moved to table the amendment by Mr. Petsch, and the motion to table was lost.

Mr. Jacks offered the following amendment to the amendment:

Amend the amendment by adding after word "insured" "to the extent of the liability of the insurer."

The amendment was adopted.

Mr. Holland moved the previous question on the pending amendment and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question then recurring on the amendment by Mr. Petsch, it was adopted.

Mr. Nicholson offered the following amendment to the bill:

Amend House bill No. 50, Section 1, page 3, line 6, by inserting after the word "otherwise," the following: "Provided, that the provisions of this act shall not apply to persons who are not engaged as an occupation in the transportation of passengers for hire, makes use of his, her or their automobile as a

means of transportation to and from the point at which engaged as an occupation, and as an accommodation to co-workers and friends, furnishes such persons regular or intermittent transportation between points adjacent to his, her or their regular route to and from the point at which employed, at a fee designed to cover proportionate costs of automobile operation and maintenance expense."

On motion of Mr. Beck, the amendment was tabled.

Mr. Young offered the following amendment to the bill:

Amend House bill No. 50, pages 10 and 11, Section 14, by striking out all of Section 14, on page 10 and down to word "every" in line 3, page 11.

Mr. Beck moved to table the amendment, and the motion to table was lost.

Mr. Van Zandt moved the previous question on the pending amendment, and the motion was not seconded.

Question then recurring on the amendment by Mr. Young, it was adopted.

Mr. Dielmann offered the following amendment to the bill:

Amend printed House bill No. 50 by striking out on page 9 everything after the word "out" in line 9, to and including the word "Texas" in line 11, and insert in lieu thereof the following: "Workmen's compensation insurance, either as provided by the Workmen's Compensation Laws of the State of Texas or in a reliable insurance company approved by the Railroad Commission of the State of Texas."

Mr. Nabors moved the previous question on the pending amendment and the bill and the motion was not seconded.

Question then recurring on the amendment by Mr. Dielmann, it was adopted.

Mr. Pearce offered the following amendment to the bill:

Amend House bill No. 50 by striking out the following words in line 35, page 12, "five thousand dollars (\$5000)," and insert in lieu thereof the following: "five hundred dollars (\$500)."

Mr. Kincaid offered the following substitute for the amendment:

Amend House bill No. 50, Section 16, page 12, by striking all of line 26 and down to the word "any" in line 36.

The substitute amendment was lost.

Question then recurring on the amendment by Mr. Pearce, it was lost.

Mr. Stout offered the following amendment to the bill:

Amend House bill No. 50 by inserting Section 19a, on page 13, after Section 19, line 39, so as to hereafter read as follows: "If any driver or chauffeur of

any such auto transportation company, association, corporation or motor bus company as defined under this act shall fail to come to a full and complete stop before crossing any railroad track in this State, he shall be fined in any sum not exceeding two hundred dollars. Nothing herein shall be construed as contributory negligence on the part of said motor bus company, corporation or anyone or negligence per se in case of a law suit by reason of such failure to stop. In case of a suit, the same shall be tried according to the general rules of law, but nothing whatever shall be mentioned on the part of anyone about the failure of a motor bus company or any passenger therein to come to a full and complete stop in so far as such failure to stop would be a violation of the penal law."

Mr. Jacks raised a point of order on further consideration of the amendment at this time on the ground that the amendment is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 50, page 1, line 40, by striking out, beginning at the word "providing," through word "requirement," and substitute the following for such sentence: "providing for enforcement of such liability and rules of evidence in regard thereto."

The amendment was adopted.

Mr. Wassell offered the following amendment to the bill:

Amend House bill No. 50 by striking from said bill wherever they appear therein, the words "Railroad Commission" and insert therefor the words "Highway Commission," so as to lodge in the Highway Commission all the regulation and powers provided for in said bill.

Mr. Veatch moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—83.

Albritton.	Conway.
Alexander.	Davis.
Anderson.	DeBerry.
Avis.	Denman.
Barnett.	Durham.
Barron.	Duvall.
Bass.	Enderby.
Bird.	Finlay.
Black.	Forbes.
Boon.	Fuchs.

Gates.	Powell.
Gibson.	Ramsey.
Gilbert.	Rogers of Shelby.
Graves.	Rowell.
Hagaman.	Runge.
Hall.	Shaver.
Harding.	Shearer.
Hefley.	Shirley.
Holder.	Sinks.
Holland.	Smith of El Paso.
Hornaday.	Smith of Nueces.
Jacks.	Smith of Smith.
Johnson.	Smyth.
Jones.	Snelgrove.
Kemble.	Stevenson.
Kincaid.	Storey.
Kirkland.	Sutton.
Land.	Taylor.
Lipscomb.	Teer.
Loy.	Turner.
McCombs.	Veatch.
McGill.	Ware.
Minor.	Webb.
Moore.	Wells.
Morse.	Williams
Moursund.	of Sabine.
Murphy.	Williams
Parish of Runnels.	of Travis.
Parrish of Travis.	Williamson.
Poage.	Woodall.
Pool.	Woodruff.
Pope.	Young.
Porter.	

Nays—23.

Cummings.	Pearce.
Dale.	Purl.
Daniel.	Satterwhite.
Faulk.	Sheats.
Gray.	Smith of Atascosa.
Harman.	Stout.
Justice.	Walker.
Kennedy.	Wallace
Masterson.	of Freestone.
Merritt.	Wallace of Panola.
Olsen.	Wassell.
Pavlica.	Whitaker.

Present—Not Voting.

Bateman. Wallace of Smith.

Absent.

Acker.	King of Hopkins.
Beck.	Loftin.
Boggs.	Long.
Brown.	Nabors.
Cornwell.	Nicholson.
Cox.	Petsch.
Dielmann.	Rawlins.
Dunlap.	Renfro
Eickenroht.	of Angelina.
Farrar.	Renfro of Mills.
Fly.	Rogers of Hays.
High.	Sanders.
Kayton.	Simmons.
Kenyon.	Swain.

Van Zandt.	Waddell.
Absent—Excused.	

Bonham.	Kirby.
Branch.	McKean.
Foster.	Montgomery.
Kinnear.	Reagan.
King of	Stell.
Throckmorton.	Tillotson.

Mr. Jacks moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

Mr. Young, by unanimous consent, offered the following amendments to the bill:

Amend House bill No. 50, page 11, Section 14, by striking out all between "and" in line 14, to and including "to" in line 18, and insert the following: "the commission may."

Amend House bill No. 50, page 2, lines 12, 13 and 14, by striking out all of said lines from "officers" to and including the word "commission" in lines 13 and 14.

The amendments were severally adopted.

House bill No. 50 was then passed to engrossment by the following vote:

Yeas—101.

Mr. Speaker.	Harding.
Albritton.	Harman.
Alexander.	Hefley.
Anderson.	High.
Avis.	Holder.
Barnett.	Holland.
Barron.	Hornaday.
Bass.	Jacks.
Bateman.	Johnson.
Bird.	Jones.
Boon.	Kemble.
Conway.	Kenyon.
Cornwell.	Kirkland.
Cummings.	Land.
Daniel.	Long.
DeBerry.	Loy.
Denman.	Masterson.
Dielmann.	McCombs.
Durham.	Minor.
Duvall.	Moore.
Enderby.	Morse.
Eickenroht.	Moursund.
Faulk.	Murphy.
Finlay.	Nabors.
Fly.	Nicholson.
Forbes.	Olsen.
Fuchs.	Parish of Runnels.
Gates.	Parrish of Travis.
Gibson.	Petsch.
Gilbert.	Poage.
Graves.	Pope.
Hall.	Porter.

Powell.	Stevenson.
Purl.	Storey.
Ramsey.	Taylor.
Rawlins.	Teer.
Rogers of Shelby.	Turner.
Rowell.	Van Zandt.
Runge.	Veatch.
Sanders.	Waddell.
Satterwhite.	Wallace of Smith.
Shaver.	Ware.
Shearer.	Wassell.
Sheats.	Webb.
Shirley.	Wells.
Simmons.	Williams
Sinks.	of Travis.
Smith of Atascosa.	Williamson.
Smith of Nueces.	Woodall.
Smith of Smith.	Woodruff.
Smyth.	Young.
Snelgrove.	

Nays—17.

Black.	Pool.
Dale.	Stout.
Farrar.	Walker.
Gray.	Wallace
Justice.	of Freestone.
Kennedy.	Wallace of Panola.
McGill.	Whitaker.
Merritt.	Williams
Pavlica.	of Sabine.
Pearce.	

Present—Not Voting.

Kincaid.

Absent.

Acker.	Lipscomb.
Beck.	Loftin.
Boggs.	Renfro
Brown.	of Angelina.
Cox.	Renfro of Mills.
Davis.	Rogers of Hays.
Dunlap.	Smith of El Paso.
Hagaman.	Sutton.
Kayton.	Swain.
King of Hopkins.	

Absent—Excused.

Bonham.	Kirby.
Branch.	McKean.
Foster.	Montgomery.
Kinnear.	Reagan.
King of	Stell.
Throckmorton.	Tillotson.

RELATING TO HOUSE BILL NO. 223.

On motion of the Speaker, by unanimous consent, the Engrossing Clerk was authorized to make certain correction in House bill No. 223.

RELATING TO HOUSE BILL NO. 150.

On motion of Mr. Holland, by unanimous consent, the Engrossing Clerk was

authorized to make certain correction in House bill No. 150.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 313, "An Act amending Title 8, Article 199, of the Revised Civil Statutes of the State of Texas, 1925, p. 100, Subdivision 47, third paragraph, by providing for the reorganization of the Forty-seventh Judicial District, naming the counties constituting the same, and creating and organizing the One Hundred and Eighth Judicial District of Texas, and naming the county constituting same; fixing the times and terms of the holding of the district court in the counties of such respective districts; and providing for the appointment of a district judge for the One Hundred and Eighth Judicial District, and making provisions in reference to processes issued, bonds and recognizances made and grand and petit jurors drawn before this act takes effect, and providing for the continuance in office of the judge and district attorney, respectively, for the Forty-seventh Judicial District; also, providing for the jurisdiction of said courts as to civil and criminal business, and fixing the time of taking effect of this act, and repealing all laws in conflict herewith, and declaring an emergency."

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 1, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 313, A bill to be entitled "An Act amending Title 8, Article 199, of the Revised Civil Statutes of the State of Texas, 1925, p. 100, Subdivision 47, third paragraph, by providing for the reorganization of the Forty-seventh Judicial District, naming the counties constituting the same, and creating and organizing the One Hundred and Eighth Judicial District of Texas, and naming the county constituting same; fixing the times and terms of the holding of the district court in the counties of such respective districts; and providing for the appointment of a district judge for the One Hundred and Eighth Judicial District, and making provisions in ref-

erence to processes issued, bonds and recognizes made and grand and petit jurors drawn before this act takes effect, and providing for the continuance in office of the judge and district attorney, respectively, for the Forty-seventh Judicial District; also, providing for the jurisdiction of said courts as to civil and criminal business, and fixing the time of taking effect of this act, and repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 25, A bill to be entitled "An Act fixing the salaries of judges of the Supreme Court, of the Court of Criminal Appeals, of the judges of the Commission of Appeals and of the commission in aid of the Court of Criminal Appeals, and of judges of the Courts of Civil Appeals and district courts of this State, and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the general revenue for Live Stock Sanitary Commission."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 1, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to pass to engrossment,

S. B. No. 57, A bill to be entitled "An Act to amend Article 288 of the Penal Code of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature, 1925, so as to make it lawful to teach the Spanish language in the elementary grades in public schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of fifty thousand inhabitants or more, according to the United States census of 1920, and declaring an emergency."

The Senate has passed

S. B. No. 58, A bill to be entitled "An Act to amend Article 3116 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, regulating the assessment of candidates for the payment of primary expenses, and providing that no candidate's name shall be placed upon the ballot unless he shall

have paid his share of such expense so as to limit the amount required to be paid by candidates for chief justice or associate justice of a Court of Civil Appeals, or for representative in Congress, for district judge or district attorney or any other district office in representative or judicial districts composed of four or more counties, and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act validating certain cities and towns incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes, 1925, having 600 inhabitants or over, and declaring an emergency."

The Senate has adopted the adverse minority report on

S. B. No. 105, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches, and to keep the same lighted from sunset until sunrise, except the main line switches that are now or may hereafter be operated by automatic signal devices; and requiring all railway corporations in the State of Texas to place single vane targets on all main line switches, and providing penalties and remedies for the violation of any of the provisions of this act; repealing Article 6373, of Chapter 8, Title 112, of the Revised Civil Statutes of 1925, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

CHANGES IN STANDING COMMITTEES.

The Speaker announced the following appointments:

Judge Fly to succeed Judge Kittrell as Chairman of the Committee on Constitutional Amendments.

Mr. DeBerry to succeed Judge Fly as Vice-Chairman of Committee on State Affairs.

ADJOURNMENT.

On motion of Mr. Jacks, the House, at 5 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills, as follows:

Criminal Jurisprudence: House bills Nos. 65, 341, 290, 288, 289.

State Affairs: House bill No. 202.

School Districts: House bill No. 240.

Judiciary: House bill No. 114.

The following standing committees have today filed adverse reports on bills, as follows:

Revenue and Taxation: House bills Nos. 69, 247.

Public Health: House bill No. 233.

State Affairs: House Concurrent Resolution No. 9.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, January 28, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 231, A bill to be entitled "An Act to authorize the judge of any district court, or other court having jurisdiction, to appoint a receiver or receivers for any defunct or disorganized church or congregation and authorize the management, sale or other disposition of any and all properties, real, personal, mixed and choses in action; and authorizing such court in such cases where such church or congregation may not in the judgment of such court be reorganized within reasonable time, to deliver such property or its proceeds to a church or congregation, a religious or governing body or other ecclesiastical head, or a State missionary society, of like faith and order, to be used or expended for the use of a church, churches, denomination or communion of like faith and order, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, January 29, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas, providing for the election by the qualified voters of the State of Texas of a Secretary of State, and prescribing the duties of the Secretary of State, and

providing for a salary for the Secretary of State,

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, January 31, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 35, A bill to be entitled "An Act to amend Article 2494 of the Revised Civil Statutes of 1925, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, January 28, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 7, Proposing to amend Section 26, Article 4, of the Constitution of the State of Texas, to provide that the Governor of the State of Texas may appoint notaries public at any time and it shall not be necessary that the notaries public appointed by the Governor be confirmed by the State Senate of Texas,

Have carefully compared same and find it correctly engrossed.

WHITAKER, Vice-Chairman.

Committee Room,
Austin, Texas, February 1, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 11, A bill to be entitled "An Act to create Road District Number Four (4) of Shelby county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district, dated October 10, 1923, and numbered respectively from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes, on all taxable

property in said road district; approving and validating all orders of the commissioners court of said county in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, February 1, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 223, A bill to be entitled "An Act to amend Article 4351, Revised Civil Statutes, 1925, by adding thereto Article 4351a, limiting the amount of deficiency warrants the Governor may approve; declaring all warrants in violation hereof invalid and unredeemable, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

SEVENTEENTH DAY.

(Wednesday, February 2, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Denman.
Albritton.	Dielmann.
Anderson.	Dunlap.
Avis.	Durham.
Barnett.	Duvall.
Barron.	Enderby.
Bass.	Eickenroht.
Bateman.	Farrar.
Beck.	Faulk.
Bird.	Finlay.
Black.	Fly.
Boggs.	Forbes.
Boon.	Fuchs.
Branch.	Gates.
Conway.	Gibson.
Cornwell.	Gilbert.
Cox.	Graves.
Cummings.	Gray.
Dale.	Hagaman.
Daniel.	Hall.
Davis.	Harding.
DeBerry.	Harman.

Hefley.	Renfro of Mills.
High.	Rogers of Hays.
Holder.	Rogers of Shelby.
Holland.	Rowell.
Hornaday.	Runge.
Jacks.	Sanders.
Johnson.	Satterwhite.
Jones.	Shaver.
Justice.	Shearer.
Kayton.	Sheats.
Kemble.	Shirley.
Kennedy.	Simmons.
Kenyon.	Sinks.
Kincaid.	Smith of Atascosa.
King of Hopkins.	Smith of El Paso.
Kirkland.	Smith of Nueces.
Land.	Smith of Smith.
Lipscomb.	Smyth.
Loftin.	Snelgrove.
Long.	Stell.
Loy.	Stevenson.
Masterson.	Storey.
McCombs.	Stout.
McGill.	Sutton.
McKean.	Swain.
Merritt.	Taylor.
Minor.	Teer.
Montgomery.	Turner.
Moore.	Van Zandt.
Morse.	Veatch.
Moursund.	Waddell.
Murphy.	Walker.
Nabors.	Wallace
Nicholson.	of Freestone.
Olsen.	Wallace of Panola.
Parish of Runnels.	Wallace of Smith.
Parrish of Travis.	Ware.
Pavlica.	Wassell.
Pearce.	Webb.
Petsch.	Wells.
Poage.	Whitaker.
Pool.	Williams
Pope.	of Sabine.
Porter.	Williams
Purl.	of Travis.
Ramsey.	Williamson.
Rawlins.	Woodall.
Renfro	Woodruff.
of Angelina.	Young.

Absent—Excused.

Alexander.	King of
Bonham.	Throckmorton.
Brown.	Kirby.
Foster.	Powell.
Kinnear.	Reagan.
	Tillotson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business: